

TEXT OF MEMORANDUM FROM GENERAL COUNSEL TO FINANCE DIVISION DATED
6 January 1956

1. This will confirm our conversation of 3 December 1955 concerning the propriety of inclusion of the cost of shipment of a privately owned vehicle in the constructive cost of travel by common carrier for determination of the maximum allowable mileage reimbursement, on the assumption that had the employee traveled by rail, shipment of the vehicle would have been necessary. Such inclusion would not be proper.

2. KUBARK authority for the payment of the cost of transportation of privately owned vehicles (~~Section 5(a)(4) of Public Law 113, 2nd Congress~~) requires a determination by KUBARK "that water, rail, or air transportation of the automobile is necessary or expedient for any part or of all the distance between points of origin and destination". There is an election on the part of the individual as to whether he will go common carrier or private vehicle for various portions of the trip. Where the vehicle is shipped only to the port of debarkation or other intermediate point (such as New York City where the individual is coming in from HE) and the individual is ordered to travel by common carrier to his destination, recovery of the vehicle is a matter of personal expense to the individual.

3. In consequence, it is the opinion of this Office that the cost of shipment of a vehicle is not proper for inclusion in the constructive cost of travel by common carrier in determining the maximum allowable mileage reimbursement. Further, the anticipated cost of recovery of a vehicle for which transportation of only a part of the distance between origin and destination has been authorized, is equally improper for inclusion as an item of constructive cost.

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